

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

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|------------------------------|---|-----------|
| MARCUS WOODSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CAUSE NO. |
| |) | |
| |) | |
| THE CITY OF FORT WAYNE, |) | |
| and OFFICERS JOHN DOES/ JANE |) | |
| DOES, |) | |
| |) | |
| Defendant(s). |) | |

COMPLAINT

The Plaintiff, by counsel, by alleges against the Defendants as follows:

1. The Plaintiff is Marcus Woodson, a resident of Allen County, Fort Wayne, Indiana at all material times to this Complaint.
2. The Defendant includes the City of Fort Wayne, which is named in its representative capacity. At all material times to this Complaint, the City employed members of the Fort Wayne Police Department who subjected the Plaintiff to the state torts of false arrest and false imprisonment while acting within the scope of their employment as City of Fort Wayne employees. The City is liable for the state torts the officers committed, based upon the doctrine of *respondeat superior*.
3. Also named as Defendants are Officers John Does/ Jane Does, who are named in their individual capacity pursuant to 42 U.S.C. § 1983. At all material times to this Complaint, Officers John Does/ Jane Does were acting under color of law and within the scope of their employment as Fort Wayne Police Officers, when on or

about December 3, 2012, they subjected the Plaintiff to unreasonable seizure, in violation of the Plaintiff's federally protected rights under the Fourth Amendment to the United States Constitution and 42 U.S.C. § 1983.

4. The Plaintiff issued a Tort Claim Notice on May 31, 2013, a copy of which is attached hereto, incorporated herein, and made a part hereof as Ex. "A". All administrative remedies have been exhausted and all jurisdictional prerequisites have been met for the filing of this lawsuit.
5. On or about December 3, 2012, the Plaintiff was seized and arrested by Fort Wayne police officers John Does/ Jane Does, for allegedly committing robbery. The Plaintiff was seized as he was leaving the Twin Oaks apartment complex and walking on Paulding Road to get into a car. While he was in handcuffs, an alleged witness was brought to the scene and asked in an unduly suggestive manner if the Plaintiff was the perpetrator. The alleged victim, however, never identified the Plaintiff as the perpetrator, and even at the alleged victim's deposition she provided a different physical description than that of the Plaintiff.
6. Following the Plaintiff's arrest, the charge against him was dismissed, but not until the Plaintiff had already been wrongfully incarcerated for approximately seventy (70) days.
7. The Plaintiff contends that he was seized, arrested, and then incarcerated, in the absence of probable cause to believe he had committed a crime. He further contends that his seizure and incarceration was an unreasonable seizure, in violation of his federally protected rights under the Fourth Amendment to the

United States Constitution, 42 U.S.C. § 1983. The unreasonable seizure was the direct and proximate cause of the Plaintiff suffering a wrongful loss of liberty and freedom, inconvenience, loss of job opportunities, needles accrual of attorney fees relating to the false charge against him, and also subjected the Plaintiff to mental anguish, humiliation, emotional distress, and other damages and injuries.

8. The unreasonable seizure by officers John Does/ Jane Does furthermore constituted the state torts of false arrest and false imprisonment, in violation of the Plaintiff's rights under the laws and public policies of the State of Indiana, violations for which their employer, the City of Fort Wayne, is liable based upon *respondeat superior*.
9. The unlawful and unreasonable seizure of the Plaintiff by the individually named Defendants was intentional, knowing, willful, wanton, and in reckless disregard of the Plaintiff's federally protected rights under the Fourth Amendment and § 1983, justifying an imposition of punitive damages (where available).

WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them, for compensatory damages, punitive damages (where available), reasonable attorney's fees and costs, and for all other just and proper relief in the premises.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury in this action.

Respectfully submitted,

CHRISTOPHER C. MYERS & ASSOCIATES

s/Christopher C. Myers

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